

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

DAVID JOSSELYN,

Petitioner,

v.

KATHLEEN KENNEDY,

Respondent.

---

Civil Action No. 04-10621-GAO

**MOTION TO EXTEND TIME  
TO RESPOND TO PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, by and through her counsel, the Attorney General of the Commonwealth of Massachusetts, hereby requests that the Court extend the time within which she must respond to the Petition for Writ of Habeas Corpus that is the subject of the captioned action. Pursuant to this Court's April 4, 2004 Order, the respondent's answer or other responsive pleading presently is due on or before April 28, 2004. By this motion, the respondent requests an extension to and including May 27, 2004. As grounds for this motion, the respondent states as follows:

1. The records relating to the petitioner's underlying state-court convictions are maintained by the Office of the District Attorney for Middlesex County (the "Middlesex DA").
2. Upon receipt of this Court's Order, the undersigned assistant attorney general promptly made a request to the Middlesex DA for assembly and production of relevant portions of the underlying state-court record, including, but not limited to, copies of the trial transcripts and post-conviction proceedings. The undersigned counsel has not yet received the state-court records.
3. Without the relevant records, the respondent cannot meaningfully evaluate threshold defenses under the Antiterrorism and Effective Death Penalty Act (AEDPA), such as whether the

petitioner properly exhausted available state-court remedies as required by 28 U.S.C. § 2254(b)(1) and whether the petition is timely filed in accordance with 28 U.S.C. § 2244(d).

4. The extension sought herein will enable the respondent to compile and evaluate all of the relevant records, and, thereby, be in a position to meaningfully respond to the petition.

**WHEREFORE**, the present motion should be allowed and an order should enter allowing the respondent up to and including May 27, 2004 to answer or otherwise respond to the petition.

Respectfully submitted,

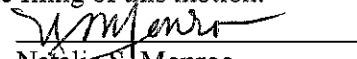
THOMAS F. REILLY  
ATTORNEY GENERAL

Dated: April 26, 2004

  
Natalie S. Monroe (BBO # 562383)  
Assistant Attorney General  
Criminal Bureau  
One Ashburton Place  
Boston, MA 02108  
(617) 727-2200, x2833

**RULE 7.1 CERTIFICATION**

I hereby certify that I attempted to confer with the plaintiff's counsel, Rosemary Scapicchio, Esq., by telephone on April 26, 2004. I left a telephone message for Ms. Scapicchio with the details of my request, but Ms. Scapicchio had not returned my telephone call as of the filing of this motion.

  
Natalie S. Monroe

**Certificate of Service**

I, Natalie S. Monroe, hereby certify that, on April 26, 2004, I caused to be served a true and correct copy of the foregoing document by mailing a copy of the same by first-class mail, postage prepaid, and addressed to the petitioner's counsel, Rosemary C. Scapicchio, Esq., Four Longfellow Place, Suite 3703, Boston, Massachusetts 02114.

  
Natalie S. Monroe